

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
6:30 P.M.**

Tuesday August 20, 2002

MINUTES

1. Call to Order.

Mayor Simpson called the Meeting to order at 6:30 p.m. and announced a quorum was present.

Council present: Mayor Simpson, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member Nichols, Council member Allen, Council member West and Council member Lafata.

Staff present: City Manager George Purefoy, Interim Assistant City Manager Jason Gray, Assistant City Manager Scott Young, City Engineer Frank Jaromin, Director of Planning John Lettelleir, Julie Fort, Attorney for the City and Nan Parker, City Secretary (left the meeting at 10:00 p.m.)

2. Invocation.

Minister Billy Echols-Richter, Grace Avenue Methodist Church led the prayer.

3. Pledge of Allegiance

Deputy Mayor Pro-Tem Maso led the audience in the Pledge of Allegiance.

4. Citizen Input. (To begin approximately at 7:30 p.m.)

There was no one present to address the council during Citizen Input.

5. Reports.

- a. Public Works Report regarding Work Orders, Water Quality and Usage

No discussion.

- b. Project Status Tracking Report

Mayor Pro-Tem Reveal questioned the park update at Sundeck Park. Rick Wieland, Director of Parks and Recreation stated the item would be presented at the September 3, 2002 Regular City Council Meeting.

Discussion only, no formal action was taken.

- c. Presentation of Art Selections for Preston Road Overlay District

Dudley Raymond was present to address the council regarding the arts selection for the Preston Road Overlay District.

Sonny Moyers, Chairman of the Arts Selection for the Preston Road was present to address the council. Discussion only, no formal action was taken.

6. Consent Agenda

The Consent Agenda was considered for approval. Council member Lafata moved to remove Item L. for separate discussion. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Council member Lafata moved to approve the Consent Agenda, excluding Item L. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

- A. Approval of the minutes from the Regular City Council Meetings of June 18, July 2, July 16 and August 5, 2002. (City Secretary)
- B. Approval of payment of fiscal year 2002-3rd quarter 380 Sales Tax Grant to Dayton Hudson Corporation in the amount of \$14,883.92. (City Manager/KH)
- C. Adoption of **Resolution No. 02-08-128R** therein authorizing the City Manager to execute an Extension of the Bank Depository Contract. (Administrative Services)

- D. Acceptance of a letter of resignation from NTMWD Board of Directors submitted by Curt Balogh. (City Secretary)
- E. Approval of payment of Invoice Number 17 in the amount of \$1,262.66 to Architects Phelps/Wood for contract administration costs and reimbursable courier expenses associated with the construction of Fire Station 4. (Fire Department)
- F. Award of bid number 0207-031 from Hoyt Breathing Air Products in the amount of \$34,967.00 for the High Pressure Breathing Air System for Fire Station 4. (Fire Department)
- G. Award of bid number 0207-032 from Printing Essentials for "Move to the Right for Sirens and Lights" t-shirts. (Fire Department)
- H. Adoption of **Resolution No. 02-08-129R** therein authorizing the City Manager to execute an Agreement by and between the City of Frisco and North Central Texas Council of Governments for a two-year agreement for 9-1-1 provisions as prescribed by the Commission on State Emergency Communications, CSEC (State 9-1-1 Commission). (Police Department)
- I. Award of bid number 0207-030 from Five Star Ford for ½ Ton Pick-Up Trucks. (City Manager/KH)
- J. Approval of payment of Pay Application Number 13 in the amount of \$27,626.94 to Tiseo Paving Company for contract work on Rolater Road, Phase V. (Engineering)
- K. Approval of payment of Pay Application Number 9 in the amount of \$492,402.31 to Site Concrete, Inc. for contract work on Eldorado Parkway (Preston to Hillcrest). (Engineering)
- L. **Consider and act upon payment of Pay Estimate Number 6 in the amount of \$34,062.26 to S.J. Lewis Construction for contract work on Custer Road and Eldorado Parkway Water Line. (Engineering)**

Council member Lafata requested the item be pulled due to lack of back up materials in packet. City Engineer Frank Jaromin informed the council that the Pay Estimate No. 6 was ready for payment. Following discussion, Council member Lafata moved to approve payment of Pay Estimate No. 6 to S.J. Lewis Construction for contract work on Custer Road and El Dorado Parkway waterline (\$34,062.26). Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

- M. Consider and act upon payment of Invoice Number 1518 in the amount of \$4,149.00 to QTE Group, Inc. for contract work on Frisco Square Soil Injections. (Engineering)
- N. Consider and act upon payment of Pay Estimate Number 9 (Retainage) in the amount of \$53,072.51 to Glenn Thurman, Inc. for contract work on Wade Boulevard (west of Preston). (Engineering)
- O. Consider and act upon award of bid number 0206-025 from ACT Pipe & Supply, Hughes Supply and Utility Plus, Inc. by Line Item for the Annual Contract for Water, Sewer and Meter Parts. (City Manager/KH)
- P. Consider and act upon approval of Advance Number 10 in the amount of \$2,765,132.84 to the HCBeck, Ltd. for Development Improvements for the Sports Complex. (City Manager/SY)

END OF CONSENT AGENDA

7. Legislative Agenda

The Legislative Agenda was considered for approval. There being no items removed for discussion, Council member Lafata moved to adopt the Legislative Agenda as presented. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

- A. Approval of Final Plat: The Trails – Phase 11, 56 Patio Home lots on 11.4± acres on the south side of Smotherman Road 1,000± feet east of F.M. 423. Zoned Planned Development-75-Patio Home. Neighborhood #44. Applicant(s): Jones & Carter, Inc. (Planning Dept.)
- B. Approval of Final Plat: The Trails – Phase 12, 33 Single Family-5 lots on 8.9± acres on the south side of Smotherman Road 2,000± feet east of F.M. 423. Zoned Planned Development-75-Single Family-5. Neighborhood #44. Applicant(s): Jones & Carter, Inc. (Planning Dept.)
- C. Approval of Preliminary Plat: Lakeside at Lone Star Ranch, 112 Single Family-4 lots on 51.0± acres on the west side of Teel Parkway 750± feet south of Lebanon Road. Zoned Single Family-4. Neighborhood #37. Applicant(s): Lakeside HSM, Ltd. (Planning Dept.)
- D. Adoption of **Ordinance No. 02-08-90** amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; rezoning a tract of land consisting of 8.00 acres from Planned Development-Multi-Family-2 (PD/MF-2) to Single Family-4 (SF-4) (Z2002-0013) (Planning Dept.)

- E. Adoption of **Ordinance No. 02-08-91** amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; rezoning a tract of land consisting of 13.00 acres from Planned Development-38-Multi-Family-2 (PD-38/MF-2) to Two-Family (2F) (Z2002-0014) (Planning Dept.)
- F. Adoption of **Ordinance No. 02-08-92** amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; rezoning a tract of land consisting of 15.40 acres from Multi-Family-2 (MF-2) to Single Family-5 (SF-5) (Z2002-0015) (Planning Dept.)
- G. Adoption of **Ordinance No. 02-08-93** amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; granting a Specific Use Permit for a Child Day Care Center on one lot on 2.4± acres on the northeast corner of Rolater Road and Kings Ridge Road. Zoned Neighborhood Service. SUP2002-0006. Neighborhood #19. Applicant(s): Beary Best Academy of Frisco (Planning Dept.)

END OF LEGISLATIVE AGENDA

Regular Agenda:

8. Public Hearing: First Hearing on the City of Frisco Fiscal Year 2003 Annual Budget, including Frisco Economic Development Corporation Fiscal Year 20003 Budget and the Frisco Community Development Corporation Fiscal Year 2003 Budget, and the Superdome Annual Fiscal Year 2003 Budget. (Administrative Services/City Manager)

Council member Nichols moved to open the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Alan Key, 3700 Legacy Drive was present to address the council regarding the budget. He did not state if was for or against the budget.

There being no one else present to address the council, Mayor Pro-Tem Reveal moved to close the public hearing. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

Discussion only, no formal action was taken.

9. Consider and act upon Proposed Tax Rate and Recording Individual Vote. (Administrative Services)

Discussion regarding proposed tax rate being considered for a rate of .33705 as a result of the budget work session.

Council member Allen asked for reassurance from staff that the items discussed as follows, would not impact the proposed budget:

- a. Mid-year review of Police and Fire Department to be certain there is adequate personnel.
- b. Mid-year review of operation of the Library to determine there is adequate staffing level.
- c. Administrative Secretary for solid waste/recycling coordinator.
- d. The previously allocated \$200,000 for the first phase of the Senior Adult Center will not have an impact on the tax rate.
- e. The previously allocated \$100,000 for the City Employee loan assistance program will not have an impact on the proposed tax rate.
- f. The impact fees at zero will not have an impact on the proposed tax rate.

Mayor Pro-Tem Reveal and Council member West questioned the status of the proposed \$2 million for the workforce housing and the impact on the proposed tax rate. Council member Allen, Council member Nichols, Deputy Mayor Pro-Tem Maso and Council member Lafata stated they were in agreement with workforce housing, however, they had not agreed to \$2 million to come out of the budget.

Mayor Pro-Tem Reveal asked what impact there would be on the tax rate if the \$2 million were added to the budget. Staff responded that to add \$2 million to the budget would add 4 to 4.5 cents to the tax rate.

Mayor Simpson asked for reassurances from staff that potential staffing of an additional administrative support person for the City Secretary would not impact the budget.

The council deferred action to the later part of the meeting.

The council referred back to this item following discussion of the workforce housing.

Following discussion, Council member Lafata moved to approve the tax rate at .34705 with .1 to be designated for fire and police safety. Council member West seconded the motion. Voting Aye: Council member Allen, Council member Nichols, Mayor Pro-Tem Reveal, Council member Lafata and Council member West. Deputy Mayor Pro-Tem Maso then requested additional discussion to ensure total Council understanding. After partial discussion, Council member Allen, Mayor Pro-Tem Reveal and Council member Lafata rescinded their "for"

votes and requested additional dialogue. Council member Lafata rescinded his motion.

Council member Lafata stated that he wanted to ensure that the Fire and Police Department were able to hire enough staff.

George Purefoy, City Manager, stated that some departments had not planned to hire their additional employees immediately following the adoption of the budget. He informed the council that additional staff would be added as the need dictated, therefore in essence the personnel could actually be employed for one-half of the budget year.

Following further discussion, Council member Allen moved to approve the tax rate at .33705. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Voting for: Council member Allen, Council member Nichols, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member Lafata and Council member West

ACTION: The Proposed Tax Rate was set at .33705 with a unanimous vote (6-0).

10. Consider and act upon a Resolution calling for a public hearing on the City of Frisco Proposed Tax for Fiscal Year 2003 and any matters incident thereto. (Administrative Services)

Mayor Pro-Tem Reveal moved to adopt **Resolution No. 02-08-130R** therein calling a public hearing for September 3, 2002 during the Regular City Council Meeting for the City of Frisco Proposed Tax Rate for Fiscal Year 2003. Council member West seconded the motion. Motion carried. Vote: unanimous.

11. Consider and act upon approval of Schematic Design for the Senior Adults Center that is to be located in Frisco Square. (Parks and Recreation)

Dudley Raymond, Planning & Capital Projects Coordinator, was present to address the council. He introduced Ms. Anita Moran with S&S Architecture. Ms. Moran presented the council with the proposed schematic design for the Senior Adults Center.

Mr. Raymond recommended that there be a natural landscape screening wall from the railroad that is visually appealing to act as a sound buffer and is esthetically pleasing.

Following discussion, Council member Allen moved to approve the Schematic Design for the Senior Adults Center. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

12. Consider and act upon Traffic Calming and Cut-Through Traffic on Jereme Trail. (Engineering)

Mr. Ed Quinn, resident of Plantation Resort, was present to address the council. He voiced opposition to the extension of Jereme Trail to Preston Road.

Rod Kelly, Parsons reviewed options with the council regarding recommendations for traffic calming and cut-through traffic on Jereme Trail. He recommended the city consider placement of speed humps created out of rolled asphalt on Jereme Trail to slow the traffic.

Following discussion, Council member West moved that for safety reasons, the city should utilize a stop sign on Jereme Trail at the intersection of Wilmington Drive and Jereme Trail, and that the traffic engineer should evaluate if any other stop signs would be appropriate at any other corners on Jereme Trail. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

13. Consider and act upon approval of a Revised Preliminary Plat: Tuscan Meadows, 152 Single Family-5 lots on 46.0± acres on the northwest corner of Hillcrest Road and Jereme Trail. Zoned Multifamily-2 and Retail. Requested zoning for the Retail portion of the property is Single Family-5. Neighborhood #24. Applicant(s): Legacy Homes (Planning Dept.)

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

The council discussed traffic issues that may be created due to this revised preliminary plat. The applicant stated that he was willing to waive the thirty-day (30) requirement for the city to approve the preliminary plat

Following discussion, Council member West moved to accept the applicant's waiver for the thirty-day (30) approval and to defer action on the revised preliminary plat of Tuscan Meadows until the September 17, 2002 meeting. As part of the applicants extension stipulation, the Council agreed that a final decision would be reached at the September 17 meeting. Within that decision, the Council is looking for either a Right Turn Only lane for vehicles that are eastbound on Jereme at Hillcrest, or that an off-set intersection will be created at Jereme and Hillcrest. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

14. Public Hearing: Zoning Case Z2002-0020, Consider and act upon approval of a request to amend the Comprehensive Zoning Ordinance to establish Downtown Architectural Design Standards which include, but are not limited to, architectural forms, building materials, color, landscaping and screening requirements for the Original Town Commercial and Original

**Town Residential districts. Applicant(s): City of Frisco (Planning Dept.)
Tabled 08/05/02**

Mayor Pro-Tem Reveal moved to remove the item from the table. Council member West seconded the motion. Motion carried. Vote: unanimous.

Mayor Pro-Tem Reveal moved to open the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Trent Cantrell, of the City of Frisco Planning Department was present to address the council. He stated that he had met with downtown merchants and residents on Oak Street regarding the amendments as discussed on August 5, 2002.

Harold Bacchus was present to address the council. Mr. Bacchus stated that he had met with the city staff and is in favor of the request with the amendments.

Suzanne Kerley, Oak Street, stated that she was in favor of the request. She commended the staff for working very diligently to listen to their concerns.

There being no else present to address the council Mayor Pro-Tem Reveal moved to close the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Allen moved to approve the request. Subject to Downtown Architectural Design Standards and the City's sign regulations, Ordinance No. 02-04-46.

Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

15. Public Hearing: Zoning Case ZA2002-0017, Consider and act upon approval of a request to amend the Comprehensive Zoning Ordinance to modify the exterior construction material requirements in the Original Town Commercial and Original Town Residential districts. Applicant(s): City of Frisco (Planning Dept.) Tabled 08/05/02

Mayor Pro-Tem Reveal moved to open the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Trent Cantrell, Planner, was present to address the council requesting their approval of the amendment to the Comprehensive Zoning Ordinance for modification of the exterior construction material requirements in the Original Town Commercial and Original Town Residential district.

There being no one present to address the council, Mayor Pro-Tem Reveal moved to close the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member West moved to approve the request subject to the addition of an appeal process involving the applicant, City staff, the Planning & Zoning Commission, and the City Council.

Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

16. Public Hearing: Subdivision Amendment SA2002-0004, Consider and act upon approval of a request to amend the Subdivision Regulation Ordinance regarding criteria and procedures for vesting of plans and permits. Applicant(s): City of Frisco (Planning Dept.)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir was present to address the council regarding amendment to the Subdivision Regulation Ordinance regarding criteria and procedures for vesting of plans and permits.

There being no one present to address the council Mayor Pro-Tem Reveal moved to close the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Mayor Pro-Tem Reveal moved to approve the request subject to:

Underlines indicate the addition of text; ~~strikethroughs~~ indicate the deletion of text.

**SECTION 3
PURPOSE, AUTHORITY, AND JURISDICTION**

3.06 Zoning Required.

Inside city limits, no plat application shall be accepted for filing or scheduled for processing unless the application is consistent with the zoning district regulations in which the property is located.

1. If a subdivision applicant seeks to amend the zoning for the property in order to render the plat consistent with the zoning regulations, the request to rezone the land shall be submitted and approved prior to acceptance of the plat application for filing, unless the applicant obtains approval from the City Council to submit the plat application simultaneous with the zone change request, in which case the application for the zoning amendment shall be acted upon first. In the event that the zoning amendment is denied, the plat application shall be rejected or denied if the City Council has authorized submittal of the application with the rezoning amendment.
2. In a Planned Development District, no application for preliminary or final plat approval shall be accepted for filing until a development plan has been approved for the land subject to the proposed plat.

3. Where site plan approval is required by the Zoning Ordinance prior to development, no application for a preliminary or final plat approval shall be accepted for filing until a preliminary site plan has been approved for the land subject to the proposed plat.
4. The acceptance for filing or processing by any City official of a plat application prior to approval of a required zoning application, as provided for in this section, hereby is deemed to be null and void and, upon discovery, shall be grounds for denial or revocation of such application.

SECTION 4

PROCEDURE

4.03 CONDITIONS OF PRELIMINARY PLAT APPROVAL

Conditional approval shall be considered to be the approval of a plat once such conditions are ~~complied with~~ fulfilled. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider in writing. If no decision is rendered by the Planning & Zoning Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the preliminary plat, as submitted, shall be deemed to be recommended for approval to the City Council. Approval of the preliminary plat shall be deemed an expression of approval of the layout only and shall not constitute acceptance of the final plat.

Approval of a preliminary approval plat is valid for expires twelve (12) months two (2) years from the date of City Council approval. A final plat application must be formally filed with the Planning Department before the 12 month period expires in order for the preliminary plat to remain valid. If a final plat application for only a portion of the land subject to the preliminary plat is filed by the end of the two (2) year period, the preliminary plat for the remainder of the land expires on such date. If a the final plat application is denied subsequently, and the 42 month two (2) year period subsequently expires lapses or already has lapsed, a new preliminary plat must be approved before another final plat will be considered. In addition, should a final plat application be submitted within the two (2) year period, but not be acted upon by the Planning & Zoning Commission and City Council within the two (2) year period, the preliminary plat shall expire and a new preliminary plat must be approved before another final plat will be considered.

At least thirty (30) days prior to the end of such two (2) year period, the Subdivider may apply in writing to the City Council Planning Department for an extension prior to the end of such twelve (12) month period. This period The expiration date may be extended by a maximum of twelve (12) months by the Director of Planning or his/her designee, but not beyond a total of one (1) additional year. Application for the extension shall be made by submitting a development application to the Planning Department on or before one of the City's official submittal dates for development requests. The application shall be accompanied by a letter detailing the reason for the extension and by the required number of copies of the plat. The Director of Planning or his/her designee will review the application and approve, approve with conditions, or deny the extension within thirty (30) days of the official submittal date. Should the Director of Planning, or his/her designee fail to act on an extension request within thirty days of its submittal, the extension shall be deemed to be approved. In considering an extension, the Director of Planning or his/her designee shall consider the following:

- Has a final plat(s) been submitted and/or approved for any portion of the property shown on the preliminary plat?
- Does the preliminary plat comply with new ordinances that impact the health, safety, and general welfare of the community?
- Is there a need for a park, school, or other public facility or improvement on the property?

Negative answers to any of the above shall be grounds to deny the extension or approve the extension with conditions. Conditions may include application of current development standards or application of other conditions needed to assure that the public interest is served. The denial of an extension by City staff may be appealed to the Planning & Zoning Commission. A written request for such appeal shall be received by City staff within fourteen (14) days of the denial. The Planning & Zoning Commission shall hear such an appeal within thirty (30) days of receipt of the written appeal request. The denial of an extension by the Planning & Zoning Commission may be appealed to the City Council. A written request for such appeal shall be received by City staff within fourteen (14) days of the denial. The City Council shall hear such an appeal within thirty (30) days of the Planning Department's receipt of the appeal request. The decision of the City Council is final. A second one (1) year extension may be requested using the same process after the expiration of the initial extension.

4.05 CONDITIONS OF FINAL PLAT APPROVAL

No final plat shall be filed unless and until all requirements of the subdivision regulations have been complied with and until such approval conditions stipulations as may be set by the City Council have been met. At the discretion of the City Council, recommendation of approval for a final plat may be deferred to the Planning and Zoning Commission where the tract of land is to be subdivided to affect no more than one (1) lot. The approval of a final plat supercedes any prior approved preliminary plat for the same land. Expiration of an approved final plat terminates all prior preliminary plat approvals for the same land.

Final approval will expire ~~one (1) year~~ eighteen (18) months after approval by the City Council, unless the plat has been filed for record with either Collin and/or Denton County. The Subdivider may apply to the City Council in writing prior to the end of such one (1) year period for an extension. At least thirty (30) days prior to the end of such eighteen (18) month period, the Subdivider may apply in writing to the City Council Planning Department for an extension prior to the end of such twelve (12) month period. The expiration date This period may, at the discretion of the City Council, be extended by a maximum of six (6) months by the Director of Planning or his/her designee. for another year, but not beyond a total of two (2) years. Application for the extension shall be made by submitting a development application to the Planning Department on or before one of the City's official submittal dates for development requests. The application shall be accompanied by a letter detailing the reason for the extension and by the required number of copies of the plat. The Director of Planning or his/her designee will review the application and approve, approve with conditions, or deny the extension within thirty (30) days of the official submittal date. Should the Director of Planning, or his/her designee fail to act on an extension request within thirty days of its submittal, the extension shall be deemed to be approved. In considering an extension, the Director of Planning or his/her designee shall consider the following:

- Has the preparation of civil engineering plans progressed, a grading permit been issued, or construction commenced?

A negative answer to the above shall be grounds to deny the extension. The denial of an extension by City staff may be appealed to the Planning & Zoning Commission. A written request for such appeal shall be received by City staff within fourteen (14) days of the denial. The Planning & Zoning Commission shall hear such an appeal within thirty (30) days of the written appeal request. The denial of an extension by the Planning & Zoning Commission may be appealed to the City Council. A written request for such appeal shall be received by City staff within fourteen (14) days of the denial. The City Council shall hear such an appeal within thirty (30) days of the Planning Department's receipt of the appeal request. The decision of the City Council is final. A second six (6) month

extension may be requested using the same process after the expiration of the initial extension.

6.09 PARTIAL DEVELOPMENT OF LARGE SUBDIVISION

~~Final plats may be approved on portions of a large area of land for residential or other uses for which a preliminary plat has been approved, provided that the required improvements for said portion are developed as part of the required improvements for the entire area. Water mains, storm sewers, trunk sewers, and any sewage treatment facilities shall all be designated and built to serve the entire area owned by the subdivider or designed and built in such a manner that they can easily be expanded or extended to serve the entire area. Construction plans as required in Section 4.04, therefore will be designed to serve the entire area, as well as surrounding areas shown on the preliminary plat. All subdivision layouts must conform to the approved preliminary plat.~~

Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

17. Public Hearing: Zoning Case ZA2002-0007, Consider and act upon approval of a request to amend the Comprehensive Zoning Ordinance regarding criteria and procedures for vesting of plans and permits. Applicant(s):City of Frisco. (Planning Dept.)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff's request to amend the Comprehensive Zoning Ordinance regarding criteria and procedures for vesting of plans and permits.

There being no one present to address the council, Mayor Pro-Tem Reveal moved to close the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Mayor Pro-Tem Reveal moved to approve the request subject to:

Additions are underlined, deletions are ~~struck through~~.

ARTICLE IV, SECTION 1
SITE PLAN REQUIREMENTS

1.02 GENERAL

Article IV, Section 1 establishes a site plan review process for land development. The process involves a series of ~~three~~ two plans, progressing from a generalized evaluation of a site and development concept to approval of a detailed development plan.

~~The first plan in the series is a Concept Plan. This plan establishes a general schematic for site development, primarily focusing on vehicular access and circulation. Concept plans may be used to separate large properties into parts for phasing site planning and development. The second~~ first plan in the series is a Preliminary Site Plan. This plan presents ~~more~~ detailed information on

building layout, parking, drives, landscaping, screening and other site improvements. Preliminary Site Plan approval assures the applicant that the general layout is acceptable prior to proceeding with detailed engineering and design work. Site Plan approval is the final step in the process. A Site Plan is a detailed, scaled drawing of all surface improvements, structures and utilities proposed for development. Site plan approval is required prior to a grading release and prior to the issuance building permits. ~~Concept Plans~~, Preliminary Site Plans and Site Plans require review and approval by the Planning & Zoning Commission and City Council.

1.03 APPLICABILITY

The site plan review process shall apply to:

- ~~1. Development within an area zoned Planned Development (see Article III, Section 3 (1.01)).~~
- ~~2.~~ 1. Non-residential development, except as provided in Article IV, Section 1.04.
- ~~3.~~ 2. Multi-family residential development having more than four dwelling units, including attached single-family housing and condominiums.
- ~~4.~~ 3. Mobile home parks.
- ~~5.~~ 4. Parking lot development, reconstruction or reconfiguration of more than 20 spaces.

1.06 FEES, FORMS AND PROCEDURES

The City Council shall establish a schedule of fees relating to the site plan approval process. The Director of Planning may establish procedures, forms and standards with regard to the content, format and number of copies of information constituting an application for ~~concept plans~~, preliminary site plans and site plans.

1.07 CONCEPT PLAN

~~_____~~ A. GENERAL

~~_____~~ A concept plan is the initial plan required in the site plan review process. This plan is a general site assessment and development concept. A concept plan defines a basic schematic design for development. The purpose of the plan is to:

- ~~1. Evaluate the site's natural condition, including vegetation, topography, drainage, surface and subsurface factors affecting the site's development.~~
- ~~2. Determine building sites and the use, intensity, bulk and height of structures to be constructed.~~
- ~~3. Locate public streets and right of way, and determine points of ingress and egress between the development and public streets, including median breaks and turn lanes.~~
- ~~4. Determine primary routes of vehicular circulation and parking area internal to the development.~~
- ~~5. Delineate development phasing.~~
- ~~6. Other purposes related to the establishment of a Planned Development District (see Article III, Section 3 (1.01)).~~

~~_____~~ B. APPLICABILITY

~~_____~~ An approved, valid concept plan shall be required for all property contained within a Planned Development District. An approved, valid concept plan shall also be required for all other properties. The concept plan shall include all contiguous property of common ownership unless the site is an approved platted lot. For properties outside of a Planned Development District, a preliminary site plan may be submitted in lieu of a concept plan (See Article IV, Section 1.08).

~~_____~~ C. APPLICATION PROCEDURE AND REQUIREMENTS

- ~~1. **Pre application** Before preparing a concept plan, the applicant shall meet with Planning Department staff to discuss the application procedure and requirements and review the proposed development concept plan.~~

2. ~~**General Application** The property owner shall file an application for the approval of a concept plan. This application shall include the information listed below on one dimensioned, engineer-scaled drawing on a sheet size 24" x 36". The drawing shall include existing and proposed site conditions and improvements.~~

- a. ~~Site boundaries, bearings and dimensions, site acreage and square footage, and approximate distance to the nearest cross street.~~
- b. ~~Location map, north arrow, scale and title block (located in the lower right hand corner) containing the proposed subdivision name, City of Frisco project number, and preparation date.~~
- c. ~~Topography at five foot contours or less.~~
- d. ~~Natural features including tree masses, flood plains, drainage ways and creeks.~~
- e. ~~Proposed reclamation of floodplain area(s), if applicable, with acreage.~~
- f. ~~Subdivision name, zoning, and land use description of property adjacent to the subject property.~~
- g. ~~Assignment of use to specific areas within the plan.~~
- h. ~~Building sites (including maximum building intensity, density, heights and use restrictions as appropriate). Illustration of the approximate shape and placement of buildings is encouraged, but is not required.~~
- i. ~~Public streets and private drives with pavement widths, right of way, median openings, turn lanes (including storage and transition space), and driveways (including those on adjacent property) with approximate dimensions.~~
- j. ~~Distances (measured edge to edge) between existing and proposed driveways and streets.~~
- k. ~~Existing or proposed easements.~~
- l. ~~Proposed dedications and reservations of land for public use including but not limited to: rights of way, easements, park land, open space, drainage ways, flood plains and facility sites.~~
- m. ~~Phases of development, including delineation of areas, building sites, land use and other improvements to be constructed in independent phases.~~
- n. ~~Additional information as requested by staff to clarify the proposed development and compliance with minimum development requirements.~~

3. ~~**Standards of Approval**~~

~~The Planning & Zoning Commission and City Council may approve, conditionally approve, table or deny a concept plan based on the plan's:~~

- a. ~~Compliance with the Comprehensive Plan and adopted design studies.~~
- b. ~~Compliance with the Zoning Ordinance and other applicable development regulations.~~
- c. ~~Impact on the site's natural resources.~~
- d. ~~Affect on adjacent area property and land use.~~

4. ~~**Effect** Approval of a concept plan by the Planning & Zoning Commission and City Council constitutes authorization by the City for the property owner to submit an application for approval of a preliminary site plan subject to compliance with any condition attached to the approval of the concept plan. As long as the concept plan remains valid, the location of streets, drives, median breaks and curb cuts shall remain fixed and any subsequently prepared plan for an adjacent property or property located on the opposite face of a public street abutting the site shall coordinate its circulation system to the earlier approved, valid concept plan. Except when authorized, a concept plan may not be used to approve a variance to development regulations. Where an approved plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply. Where approved, valid concept plans delineate areas as~~

~~separate phases of development, each phase may be independently planned and developed provided that it is in accordance with the concept plan and other applicable regulations.~~

~~5. **Lapse** The approval of a concept plan shall be effective for a period of two years from the date that the concept plan is approved by the City Council, at the end of which time the applicant must have submitted and received approval of a site plan by the City Council. If a site plan is not approved within two years, the concept plan approval is null and void. If site plan approval is only for a portion of the property, the approval of the concept plan for the remaining property shall be null and void. The applicant shall be required to submit a new concept plan for review and approval subject to the then existing regulations. A concept plan adopted with a Planned Development shall remain in effect until amended by an ordinance, or is otherwise specifically addressed by another ordinance.~~

Council member West seconded the motion. Motion carried. Vote: unanimous.

18. Public Hearing: Specific Use Permit SUP2002-0008, Consider and act upon approval of a request for a Specific Use Permit for a Child Day Care Center on 2.4± acres on the south side of Warren Parkway; 700+ feet west of Hillcrest Road. Zoned Commercial-1. Neighborhood #29. Applicant(s): Devinder Rondahawa (Planning Dept.)

Council member Allen moved to open the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Doug Mousel updated the Council on the staff and the Planning and Zoning Commission's recommendations.

Fred Lusk was present to address the council speaking in favor of the request.

There being no one present to address the council, Council member Lafata moved to close the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Lafata moved to approve the request as submitted. Council member West seconded the motion. Motion carried. Vote: unanimous. (Ordinance to be adopted at later date).

19. Public Hearing: Zoning Case Z2002-0011, Consider and act upon approval of a request to amend the development standards of 146.1+ acres of Planned Development-153-Mixed Use and to rezone 2.6+ acres from Agricultural to Planned Development-153-Mixed Use on the southeast corner of Main Street and the Dallas North Tollway. Neighborhood #40. Applicant(s): Frisco Square LTD and Five Star Development. (Planning Dept.)

Council member Allen moved to open the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Doug Mousel, staff representative was present to address the council. Staff recommended: (1) the modification of the standards to require that a gas station or convenience store with gas pumps in the DT-4 district be located at the northeast corner of Platinum Parkway and the Dallas North Tollway and that the gas station or convenience store with gas pumps be oriented as represented on the concept plan and (2) elimination of signs 2a, 2b and 5 from the sign coordination plan.

Brenda McDonald, representing Frisco Square, was present to address the council.

There being no else present to address the council Mayor Pro-Tem Reveal moved to close the public hearing. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

Council recessed into Closed Session at 12:20 a.m. for discussion of the item in compliance with Texas Government Code Session as authorized by § 551.071 Private Consultation with the attorney for the City.

Council returned to Item No.19 following the Closed Session at which time, Council member Allen moved to approve the request subject to

Approved as Planned Development-153-Mixed Use with the attached development standards subject to:

1. Modification of the standards to require that a gas station or convenience store with gas pumps in the DT-4 district be located at the northeast corner of Platinum Parkway and the Dallas North Tollway and that the gas station or convenience store with gas pumps be oriented as represented on the concept plan.
2. Elimination of Sign 5 from the sign coordination plan.

Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

20. Public Hearing: Specific Use Permit SUP2002-0010, Consider and act upon approval of a request for a Specific Use Permit for a School District Bus Yard on 18.1± acres on the north side of Rolater Road, 1,300± feet west of Coit Road. Zoned Agricultural and Planned Development-163-Single Family-1. Neighborhood #18. Applicant(s): Frisco Independent School District. (Planning Dept)

Council member Nichols moved to open the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir asked that the council address Items 20 and 21 concurrently.

Richard Wilkinson, Fisd was present to address the council speaking in favor of the request.

There being no one else present to address the council, Mayor Pro-Tem Reveal moved to close the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Allen moved to approve the request subject to the placement of a 4' X 8' sign on the property within one month of the approval of the ordinance for the Specific Use Permit stating that a School District Bus Yard will be constructed on the property. The sign may be removed from the property upon issuance of a Certificate of Occupancy for the bus yard and the associated buildings. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

21. Consider and act upon approval of a Site Plan & Final Plat: Centennial High School, Block B, Lot 1 (Fisd Maintenance Facility) An office/warehouse building and a bus storage yard on one lot on 16.8± acres on the north side of Rolater Road, 1,330± feet west of Coit Road. Zoned Agricultural and Planned Development-163-Single Family-1. Requested zoning is a Specific Use Permit for a School District Bus Yard. Neighborhood #17. Applicant(s): Frisco Independent School District. (Planning Dept.)

Council member Allen moved to approve the Site Plan & Final Plat of Centennial High School, Block B, Lot 1 (Fisd Maintenance Facility) subject to:

Site Plan

Staff approval of the landscape plan.

City Council approval of SUP02-0010. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

22. Appeal/Public Hearing: Zoning Case Z2001-0026, Consider and act upon approval of a request to rezone 185.0+ acres on the west side of Hawkins Road (future Teel Parkway), 1,290± feet north of Eldorado Parkway (F.M. 2934) from Agricultural to Patio Home (41.8+ acres), Single-Family-5 (101.2+ acres), Single-Family-3 (31.2+ acres), and Single-Family-1 (10.8+ acres). Neighborhood #48 and 49. Applicant(s): S.W. and Mary Christie, Boyd Living Trust, and Paramount Land Development, Inc. (Planning Dept.)

Council member Allen moved to open the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations for denial of the request. He (Lettelleir) stated that applicant (S.W. Christie, etal) is appealing the P&Z Commission's recommendation for denial of the request.

Mr. Lettelleir stated that the staff had requested denial of the application based upon the requested single-family zoning being inconsistent with the City's current policy on single-family zoning requests.

Jim Newman was present to address the council asking for their consideration of approving the request as submitted by Mr. Christie.

Ken Mitchell spoke in favor of the request.

There being no else present to address the council, Council member Allen moved to close the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Allen moved to **deny** the request based on inconsistency with the city's current policy. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

23. Appeal/Public Hearing: Zoning Case Z2002-0007, Consider and act upon approval of a request to rezone 33.3+ acres on the south side of Witt Road, 1,300+ west of F.M. 423 from Agricultural to Single Family-5. Neighborhood #43. Applicant(s): F. Fesharaki & C. Mirbagheri.

Deputy Mayor Pro-Tem Maso moved to open the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

Jerry Ragsdale, applicant was present to address the council requesting their approval of the application as submitted.

Michael Osuna and Tony Felker spoke in favor of the request.

There being no else present to address the council Mayor Pro-Tem Reveal moved to close the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member West moved to **table** the request until the second meeting in October (being October 15, 2002). Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

24. Discussion concerning prioritizing items on the bond election. (City Council Member/JW)

Council member West stated she had requested the item be placed on the agenda. She stated that she had had numerous questions from citizens regarding the order of what would be constructed first, if the bond propositions are adopted. Council member West reiterated that she wanted the citizens to be aware that the council cannot prioritize projects until the election is over and the results are known. Discussion only, no formal action was taken.

25. Discuss and give direction to staff on Planning & Development Department major projects. (Planning Dept.)

1:25 a.m. – Mayor Simpson requested that items 25. and 26. be placed at the beginning of the next Regular City Council Meeting. No discussion taken during this meeting.

26. Discussion and give staff direction on Zoning for Public Uses. (Planning Dept.)

1:25 a.m. – Mayor Simpson requested that items 25. and 26. be placed at the beginning of the next Regular City Council Meeting. No discussion taken during this meeting.

27. Discuss the creation of an affordable Housing Trust Fund, consider taking action to appoint a board to oversee it and discuss next steps regarding the Workforce Housing Committee. (City Council/JW)

Kathy Seei was present to address the council speaking in favor of the Workforce Housing. Ms. Seei encouraged the council to act and commit funds in the 2002-2003 budget.

Janet McCubbin, acting coordinator/chair of the Workforce Housing Committee addressed the council regarding workforce housing. The general consensus of the council was to:

- a. Take action to create an Affordable Housing Trust Fund;
- b. Appoint a Board to oversee the Affordable Housing Trust Fund;
- c. Appoint Stakeholders to the Workforce Housing Committee for Phase II.
- d. Commitment of \$500,000 to be reviewed at the end of January or when six month of financial numbers are available.

- e. Possible commitment of \$500,000 based upon our fund balance.
- f. Appointment of the Phase II committee members

Council member West recommended the item be placed on the next agenda for a "motion". Mayor Pro-Tem Reveal agreed. The concurrence of the council was unanimous to place it on the September 3, 2002 Agenda.

Sp1. Supplemental posting: Consideration of adoption of a Resolution of the City Council of the City of Frisco, Texas supporting a proposal by the Arts of Collin County for an Arts Complex to be owned and operated by the cities of Allen, Frisco, McKinney and Plano; providing guidelines for the building and operation of the Arts Complex; and providing for an effective date.

Kathy Seei was present to address the council requesting the council approve adoption of the resolution. She commended the city for having the foresight to move forward towards an Arts District for Collin County.

Following discussion, Mayor Pro-Tem Reveal moved to adopt **Resolution No. 02-08-131R** therein supporting a proposal by the Arts of Collin County for an Arts Complex to be owned and operated by the cities of Allen, Frisco, McKinney and Plano; providing guidelines for the building and operation of the Arts Complex; and providing for an effective date. Council member West seconded the motion. Motion carried. Vote: unanimous.

28. Consider and act upon an amendment to the GeoInfo Contract and adopt a Resolution authorizing the City Manager to execute the Contract. (Asset Management)

Perry Harts was present to address questions from the council. Council member Lafata moved to adopt **Resolution No. 02-08-132R** therein approving the amendment to the GeoInfo Contract and authorizing the City Manager to sign unanimous.

29. Discussion of annual calendar and any matters incident thereto. (City Secretary)

Discussion only, no formal action was taken.

30. Governance Monitoring Reports

Discussion only, no formal action was taken.

31. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code

Mayor Pro-Tem Reveal moved to recess into Closed Session. Council member West seconded the motion. Motion carried. Vote: unanimous.

Mayor Simpson stated the council was in Closed Session at 12:20 a.m. as authorized by the following:

- a. Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- b. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
- c. south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289.
- d. Section 555.071. Consultation with attorney concerning pending litigation in Cause No. 366-891-02; Steve Nichols, et al. vs. Kathy A. Seei; In the 366th Judicial District Court of Collin County, Texas.
- e. Section 551.074. Evaluation of City Manager.

32. Reconvene into Regular Session and take any action necessary as a result of the Closed Session

The council reconvened into Regular Session and returned to items that had been deferred earlier in the meeting.

33. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda

Discussion only, no formal action was taken.

34. Discussion on Governance Monitoring of present City Council Meeting.

Council member Lafata reviewed the Meeting. He stated that the Christie case the traffic issues, the Tuscan Meadows cases discussion was long, but needed. The workforce housing showed obvious support of the council.

Council member Allen stated that he felt that they need to make the meetings shorter to prevent a disservice to the citizens.

Mayor Simpson suggested the council give consideration to possible work sessions prior to the regular city council meetings.

The general consensus of the council was the presentation were too long, i.e. presentation by consultant from Parson regarding traffic calming.

Mayor Pro-Tem Reveal presented the binders to the members of the governance subcommittee.

35. Adjourn

There being no additional business, Council member Allen moved to adjourn at 1:36 a.m. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

E. Michael Simpson, Mayor

ATTEST:

Nan Parker, City Secretary